REMARKS

Claims 1-33 are currently pending in the subject application and are presently under consideration. Claims 1, 8, 13, and 24-32 have been amended as shown on pages 2-6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 25-27 Under 35 U.S.C. §101

Claims 25-27 stand rejected under 35 U.S.C. §101 because the Office Action asserts that the claims are directed to neither a "process" nor a "machine", but rather attempts to embrace or overlap two different statutory classes of invention set forth in 35 U.S.C. §101. Claims 25-27 have been amended to direct the claims toward the "process" class of invention in accordance with the parent claim. As such, this rejection should be withdrawn.

II. Rejection of Claims 29-31 Under 35 U.S.C. §101

Claims 29-31 stand rejected under 35 U.S.C. §101 because the Office Action asserts that the claims are directed to neither a "process" nor a "machine", but rather attempts to embrace or overlap two different statutory classes of invention set forth in 35 U.S.C. §101. Claims 29-31 have been amended to direct the claims toward the "process" class of invention in accordance with the parent claim. Therefore, this rejection should be withdrawn.

III. Rejection of Claims 16-28, 30, and 32-33 Under 35 U.S.C. §101

Claims 16-28, 30, and 32-33 stand rejected under 35 U.S.C. §101 because the Office Action asserts that the claims are directed to software. Claims 13, 24, 28, and 30 have been amended to add embodiment on a computer-readable storage medium. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 1-5 and 7-33 Under 35 U.S.C. §102(e)

Claims 1-5 and 7-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by Chapman, *et al.* (2004/0021679). It is respectfully requested that this rejection be withdrawn for

at least the following reasons. Chapman, *et al.* fails to disclose all features set forth in the subject claims.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject claims relate to remote visualization of an industrial device using scalable vector graphics (SVG) to render an interactive representation of the device. An XML-based SVG file associated with an industrial device can be created, and then saved in a data store associated with the device. The SVG file can be accessed by a remote user *via* a client interface, and can then be executed locally on the client to facilitate rendering a vector image representation of the industrial device *via* ASCII drawing commands invoked by the file. The file can be executed by and the image rendered on a Web browser, or an open software package such as Adobe or Macromedia. In particular, amended independent claim 1 (and similarly independent claims 13 and 24, amended independent claims 28 and 32, and claims 3 and 15) recites, *an interface component that retrieves a stream of SVG information that includes data representative of the device's physical faceplate,* ***the stream of SVG information is retrieved from storage associated with the device.***

Chapman, *et al.* does not disclose that SVG information used to render a graphical representation of a device is *stored with and retrieved from the device* being represented. The cited reference teaches an HMI architecture that facilitates the creation of HTML display pages used to remotely visualize an industrial process *via* a Web-based interface. However, the display pages taught by Chapman, *et al.* are stored on a server system designed to manage display pages for a plurality of devices and data sources. Although the display pages disclosed in the cited reference can receive telemetry and status data from specific devices, the *graphical information* used to render these devices is contained within these HTML pages, which are stored on and retrieved from a common server system. The subject claims, in contrast, teach that the SVG information used to render interactive graphical representations of a device can be stored with and retrieved from the device being represented by the SVG information. This architecture is

materially distinct from that disclosed in Chapman, *et al.*, and can obviate the need for relatively complicated server configurations such as that taught by the cited reference.

Additionally, amended claim 26 recites, *employing ACSII drawings commands to execute the instructions embedded within the SVG XML file to draw the graphical representation.* While Chapman, *et al.* discloses that a display page include support for SVG, the cited reference does not explicitly disclose that SVG XML files can be used to draw graphical representations of a device to be monitored, nor does the cited reference disclose the use of ASCII drawing commands to facilitate graphically rendering a device.

In view of at least the foregoing, it is respectfully submitted that Chapman, *et al.* fails to disclose each and every feature of amended independent claims 1, 28, and 32, and independent claims 13 and 24 (and all claims depending there from), and therefore fails to anticipate the subject claimed invention. It is therefore requested that this rejection be withdrawn.

V. Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chapman, *et al.* (2004/0021679), in view of Lindstrom-Tamer (2002/0124076). Claim 6 recites, *the open software package is one of an **Adobe and a Macromedia plug-in***. Hence, when read in context of its parent claim 5, claim 6 teaches that an interactive graphical representation of a device can be rendered in an Adobe plug-in. As conceded in the Office Action, Chapman, *et al.* does not disclose these features of the subject claims. Contrary to the Examiner's contention, Lindstrom-Tamer also fails to teach these features. Lindstrom-Tamer relates to a method for determining whether a browser supports display of SVG content, and for delivering a requested web page with SVG content either included or omitted based on the determination. However, the cited reference nowhere discloses *rendering interactive graphical representations on an Adobe plug-in*. The referenced section of Lindstrom-Tamer merely discloses that an Adobe SVG plug-in for Internet Explorer exists, but does note disclose using this component to *render an interactive graphical representation* of a device.

Furthermore, claim 6 depends from amended independent claim 1. As discussed *supra* in connection with this claim, Chapman, *et al.* does not teach *retrieval of SVG information used to graphically render a device from storage associated with that device*, and Lindstrom-Tamer likewise fails to disclose this aspect of amended independent claim 1.

In view of at least the foregoing, it is respectfully submitted that Chapman, *et al.* and Lindstrom-Tamer, individually or in combination, fail to teach or suggest each and every feature of the subject claims as disclosed in amended independent claim 1 and claim 6. The cited references therefore fail to make obvious the subject matter of claim 6, and consequently this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP331USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731